

HB3414



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3414

by Rep. Ed Sullivan, Jr.

SYNOPSIS AS INTRODUCED:

430 ILCS 45/3

from Ch. 111 1/2, par. 953

Amends the Illinois Chemical Safety Act. Repeals a provision that requires the Illinois Department of Employment Security to annually provide the Illinois Emergency Management Agency with a list of regulated facilities that are covered by certain Standard Industrial Classification (SIC) codes.

LRB098 08163 JDS 38258 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Chemical Safety Act is amended by
5 changing Section 3 as follows:

6 (430 ILCS 45/3) (from Ch. 111 1/2, par. 953)

7 Sec. 3. Definitions. For the purposes of this Act:

8 "Agency" means the Illinois Environmental Protection
9 Agency.

10 "Business" means any individual, partnership, corporation,
11 or association in the State engaged in a business operation
12 that has 5 or more full-time employees, or 20 or more part-time
13 employees, and that is properly assigned or included within one
14 of the following Standard Industrial Classifications (SIC), as
15 designated in the Standard Industrial Classification Manual
16 prepared by the Federal Office of Management and Budget:

17 2295 Coated fabrics, not rubberized;

18 2491 Wood preserving;

19 2671 Packaging paper and plastics film, coated and
20 laminated;

21 2672 Coated and laminated paper, not elsewhere classified;

22 2812 Alkalies and chlorine;

23 2813 Industrial gases;

1 2819 Industrial inorganic chemicals, not elsewhere
2 classified;

3 2821 Plastic materials, synthetic resins, and
4 non-vulcanizable elastomers;

5 2834 Pharmaceutical preparations;

6 2842 Specialty cleaning, polishing and sanitation
7 preparations;

8 2851 Paints, varnishes, lacquers, enamels, and allied
9 products;

10 2865 Cyclic (coal tar) crudes, and cyclic intermediaries,
11 dyes and organic pigments (lakes and toners);

12 2869 Industrial organic chemicals, not elsewhere
13 classified;

14 2873 Nitrogenous fertilizer;

15 2874 Phosphatic fertilizers;

16 2879 Pesticides and agricultural chemicals, not elsewhere
17 classified;

18 2891 Adhesives and sealants;

19 2892 Explosives;

20 2911 Petroleum refining;

21 2952 Asphalt felts and coatings;

22 2999 Products of petroleum and coal, not elsewhere
23 classified;

24 3081 Unsupported plastics, film and sheet;

25 3082 Unsupported plastics profile shapes;

26 3083 Laminated plastics plate, sheet and profile shapes;

- 1 3084 Plastic pipe;
- 2 3085 Plastic bottles;
- 3 3086 Plastic foam products;
- 4 3087 Custom compounding of purchased plastic resin;
- 5 3088 Plastic plumbing fixtures;
- 6 3089 Plastic products, not elsewhere classified;
- 7 3111 Leather tanning and finishing;
- 8 3339 Primary smelting and refining of nonferrous metals,
9 except copper and aluminum;
- 10 3432 Plumbing fixture fittings and trim;
- 11 3471 Electroplating, plating, polishing, anodizing and
12 coloring;
- 13 4953 Refuse systems;
- 14 5085 Industrial supplies;
- 15 5162 Plastic materials and basic forms and shapes;
- 16 5169 Chemicals and allied products, not elsewhere
17 classified;
- 18 5171 Petroleum bulk stations and terminals;
- 19 5172 Petroleum and petroleum products, wholesalers, except
20 bulk stations and terminals.

21 For the purposes of this Act, the SIC Code that a business
22 uses for determining its coverage under The Unemployment
23 Insurance Act shall be the SIC Code for determining the
24 applicability of this Act. ~~On an annual basis, the Department~~
25 ~~of Employment Security shall provide the IEMA with a list of~~
26 ~~those regulated facilities covered by the above mentioned SIC~~

1 ~~codes.~~

2 "Business" also means any facility not covered by the above
3 SIC codes that is subject to the provisions of Section 302 of
4 the federal Emergency Planning and Community Right-to-Know Act
5 of 1986 and that is found by the Agency to use, store, or
6 manufacture a chemical substance in a quantity that poses a
7 threat to the environment or public health. Such a
8 determination shall be based on an on-site inspection conducted
9 by the Agency and certified to the IEMA. The Agency shall also
10 conduct inspections at the request of IEMA or upon a written
11 request setting forth a justification to the IEMA from the
12 chairman of the local emergency planning committee upon
13 recommendation of the committee. The IEMA shall transmit a copy
14 of the request to the Agency. The Agency may, in the event of a
15 reportable release that occurs at any facility operated or
16 owned by a business not covered by the above SIC codes, conduct
17 inspections if the site hazard appears to warrant such action.
18 The above notwithstanding, any farm operation shall not be
19 considered as a facility subject to this definition.

20 Notwithstanding the above, for purposes of this Act,
21 "business" does not mean any facility for which the
22 requirements promulgated at Part 1910.119 of Title 29 of the
23 Code of Federal Regulations are applicable or which has
24 completed and submitted the plan required by Part 68 of Title
25 40 of the Code of Federal Regulations, provided that such
26 business conducts and documents in writing an assessment for

1 any instance where the Agency provides notice that a
2 significant release of a chemical substance has occurred at a
3 facility. Such assessment shall explain the nature, cause and
4 known effects of the release, any mitigating actions taken, and
5 preventive measures that can be employed to avoid a future
6 release. Such assessment shall be available at the facility for
7 review within 30 days after the Agency notifies the facility
8 that a significant release has occurred. The Agency may provide
9 written comments to the business following an on-site review of
10 an assessment.

11 "Chemical name" means the scientific designation of a
12 chemical in accordance with the nomenclature system developed
13 by the International Union of Pure and Applied Chemistry
14 (IUPAC) or the American Chemical Society's Chemical Abstracts
15 Service (CAS) rules of nomenclature, or a name that will
16 clearly identify the chemical for hazard evaluation purposes.

17 "Chemical substance" means any "extremely hazardous
18 substance" listed in Appendix A of 40 C.F.R. Part 355 that is
19 present at a facility in an amount in excess of its threshold
20 planning quantity, any "hazardous substance" listed in 40
21 C.F.R. Section 302.4 that is present at a facility in an amount
22 in excess of its reportable quantity or in excess of its
23 threshold planning quantity if it is also an "extremely
24 hazardous substance", and any petroleum including crude oil or
25 any fraction thereof that is present at a facility in an amount
26 exceeding 100 pounds unless it is specifically listed as a

1 "hazardous substance" or an "extremely hazardous substance".
2 "Chemical substance" does not mean any substance to the extent
3 it is used for personal, family, or household purposes or to
4 the extent it is present in the same form and concentration as
5 a product packaged for distribution to and use by the general
6 public.

7 "IEMA" means the Illinois Emergency Management Agency.

8 "Facility" means the buildings and all real property
9 contiguous thereto, and the equipment at a single location used
10 for the conduct of business.

11 "Local emergency planning committee" means the committee
12 that is appointed for an emergency planning district under the
13 provisions of Section 301 of the federal Emergency Planning and
14 Community Right-to-Know Act of 1986.

15 "Release" means any sudden spilling, leaking, pumping,
16 pouring, emitting, escaping, emptying, discharging, injecting,
17 leaching, dumping, or disposing into the environment beyond the
18 boundaries of a facility, but excludes the following:

19 (a) Any release that results in exposure to persons
20 solely within a workplace, with respect to a claim that
21 such persons may assert against their employer.

22 (b) Emissions from the engine exhaust of a motor
23 vehicle, rolling stock, aircraft, vessel, or pipeline
24 pumping station engine.

25 (c) Release of source, byproduct, or special nuclear
26 material from a nuclear incident, as those terms are

1 defined in the Atomic Energy Act of 1954, if the release is
2 subject to requirements with respect to financial
3 protection established by the Nuclear Regulatory
4 Commission under Section 170 of the Atomic Energy Act of
5 1954.

6 (d) The normal application of fertilizer.

7 "Significant release" means any release which is so
8 designated in writing by the Agency or the IEMA based upon an
9 inspection at the site of an emergency incident, or any release
10 which results in any evacuation, hospitalization, or
11 fatalities of the public.

12 (Source: P.A. 97-333, eff. 8-12-11.)